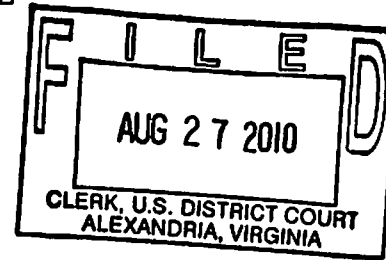


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



OLDE MILL COMPANY, INC.,)
)
Plaintiff,)
)
v.)
)
ALAMO FLAG, INC., et al.,)
)
Defendants.)

1:10:cv130 (LMB/TRJ)

ORDER

On August 4, 2010, a magistrate judge issued a Report and Recommendation ("Report") in which he recommended that a default judgment of \$36,731.65 be entered in the plaintiff's favor against defendants Alamo Flag, Inc., Alamo Flag of DC, Inc., and Fawaz Ismail for copyright infringement. The Report advised the parties that any objection to its findings or its recommendations had to be filed within fourteen (14) days and that failure to file timely objections would waive appellate review of any judgment based on it. As of August 27, 2010, no party has filed an objection.

The magistrate judge correctly found that this Court has subject matter jurisdiction over this civil action under 28 U.S.C. § 1331 and § 1338(a), and 17 U.S.C. §501. This Court has personal jurisdiction over the defendants and venue is proper in this district under 28 U.S.C. § 1391(a) because a substantial part of the events or omissions giving rise to the claim occurred

in this district.

The plaintiff effectuated service of process on March 19, 2010 via process server. (Dkt. Nos. 4, 5, 6). As of August 27, 2010, the defendants have not filed any responsive pleadings or otherwise responded to the plaintiff's Complaint or Motion for Default Judgment Against All Defendants as to Counts I, II and III of the Complaint Of Olde Mill Company, Inc.¹

Having fully reviewed the Report, case file, and plaintiff's Motion for Default Judgment Against All Defendants as to Counts I, II and III of the Complaint Of Olde Mill Company, Inc. with its attachments, the Court adopts the findings of fact and conclusions of law contained in the Report as its own. Although plaintiff's Complaint requested both damages and injunctive relief, the Motion for Default Judgment sought only statutory damages. The magistrate judge correctly recommended damages of \$30,000, the maximum statutory damage award for non-willful copyright infringement. The magistrate judge also correctly recommended the Court award Plaintiff attorneys' fees and costs of \$6,731.65.

Accordingly, the plaintiff's Motion for Default Judgment Against All Defendants as to Counts I, II and III of the

¹Plaintiff's Brief in Support of Statutory Damages Award states that co-defendant Fawaz Ismail arrived at the Courthouse after the hearing on Olde Mill's Motion for Default Judgment and indicated he would submit correspondence to the Court shortly thereafter. As of August 27, 2010, Mr. Ismail has not submitted any correspondence.

Complaint Of Olde Mill Company, Inc. [Dkt. No. 12] is GRANTED and it is hereby

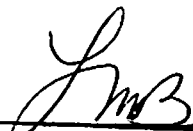
ORDERED and ADJUDGED that a default judgment in the amount of \$36,731.65 be and is entered in favor of Olde Mill Company, Inc. jointly and severally against defendants Alamo Flag, Inc., Alamo Flag of DC, Inc., and Fawaz Ismail.

To appeal this decision, the defendants must file a Notice of Appeal in writing with the Clerk of this Court within thirty (30) days of receipt of this Order. Failure to file a timely Notice of Appeal waives the right to appeal this decision.

The Clerk is directed to enter judgment pursuant to Fed. R. Civ. P. 55 in favor of the plaintiff against defendants Alamo Flag, Inc., Alamo Flag of DC, Inc., and Fawaz Ismail and to forward copies of this Order to counsel of record for the plaintiff and to the defendants at their addresses of record, by certified mail, return receipt requested.

Entered this 27th day of August, 2010.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge